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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TIM O'NEILL, an individual; on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

GENESIS LOGISTICS, INC. and DOES 1  
through 10, inclusive

Defendants.

) Case No. CV08-4107 SI

) **STIPULATION AND PROPOSED**  
) **ORDER TO CONTINUE SEPTEMBER**  
) **25, 2009 CASE MANAGEMENT**  
) **CONFERENCE**

) Judge: Honorable Susan Illston  
) Ctrm: 10, 19th floor

1           **WHEREAS** On January 10, 2009 the Court found good cause, approved the parties'  
2 stipulation, and ordered that Plaintiff's remand hearing set for January 23, 2009 at 9:00 AM is  
3 deemed withdrawn so the parties can engage in limited Rule 26 discovery and participate in an  
4 early mediation;

5           **WHEREAS** pursuant to the parties' stipulations and the Courts' Orders, the Case  
6 Management Conference was continued to June 26, 2009 and then to September 25, 2009;

7           **WHEREAS** the parties have engaged in a Rule 26 Conference and have agreed on the  
8 scope of pre-mediation discovery in this putative class action;

9           **WHEREAS** it took defendants several months to locate, copy and scan the mediation  
10 documents because they were stored at various off-site locations;

11           **WHEREAS** the documents were recently produced to plaintiff's counsel via disk;

12           **WHEREAS** defendants have located a few thousand more documents and are producing  
13 them on or before September 25, 2009;

14           **WHEREAS** defendants will depose Plaintiff within the next 45 days;

15           **WHEREAS** the parties have retained Jeffrey Krivis, an experience wage and hour  
16 attorney, to mediate the putative class action on December 3, 2009;

17           **IT IS HEREBY STIPULATED:**

18           The September 25, 2009 Case Management Conference is continued until after the  
19 parties engage in early mediation on December 3, 2009.

20  
21 DATED: September 21, 2009

RAO ONGARO LLP

22  
23 By \_\_\_\_\_/s/\_\_\_\_\_  
                                Anthony J. Rao

24           Attorneys for Defendant  
25           GENESIS LOGISTICS, INC.  
26  
27  
28

1 DATED: September 21, 2009

LAW OFFICES OF SHAUN SETARAH

2  
3 By \_\_\_\_\_/s/\_\_\_\_\_  
Shaun Setarah

4 Attorneys for Plaintiff  
5 TIM O'NEILL on behalf of himself and all  
6 others similarly situated  
7

8 **FOR GOOD CAUSE, THE FOREGOING**

9 **STIPULATION IS APPROVED AND IS SO ORDERED.** The Court continues the Case  
10 Management Conference to January 15, 2010 @ 2:30 p.m.  
\_\_\_\_\_.

11  
12 DATED: \_\_\_\_\_



\_\_\_\_\_ Honorable Susan Illston